

**REMARKS**

At the outset, the Examiner is thanked for the thorough review of the present application. The Office Action dated February 13, 2003 has been received and its contents carefully reviewed. Claims 1-20 are currently pending in the present application.

In the Office Action dated February 13, 2003, the specification is objected to because in the Background section, both the data line and the sealant are identified by reference number 40. Claims 1, 11 and 13 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-10, 12, 14, 15, and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by FIG. 4 of the instant application ("Related Art"). Claims 1, 2, 3, 5-10, 13, 14, 15, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,926,234 to Shiraki et al. ("Shiraki"). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Related Art in view of U.S. Patent No. 5,889,568 to Seraphim et al. ("Seraphim"). These rejections are respectfully traversed, as set forth in detail below.

Applicant hereby amends the specification to add new reference number 41 to refer to the data line. Applicant concurrently herewith submits a Request for Approval of Drawing Changes to replace the repetitive number 40 in the figures by replacing the occurrence of reference number 40 in FIG. 4 with reference number 41 to indicate the data lines. Applicant also changes the reference numeral of the electrostatic discharge device to 33 and the data pad to 43.

The rejection of claims 1, 11, and 13 under 35 U.S.C. § 112, second paragraph, is respectfully traversed and reconsideration is requested. In particular, the Office Action states "the limitation 'wherein each electrostatic discharge device is at a distance of more than one pixel pitch' renders the claim indefinite." Applicant asserts that this rejection is moot on view of amendments made to claim 1.

The rejection of claims 1, 2, 3, 5-10, 13, 14, 15, 18 and 19 as being anticipated by Shiraki is respectfully traversed and reconsideration is requested. Claims 1, 2, 3, 5-10, 13, 14, 15, 18

and 19 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “a plurality of first and second electrodes on the substrate such that an electric field is formed between the first and second electrodes substantially parallel to the substrate when a voltage is applied to the first and second electrodes and a plurality of electrostatic discharge devices in the non-display region, wherein each electrostatic discharge device is at a distance of more than one pixel pitch from the pixels.” None of the cited references including Shiraki, singly or in combination, teaches or suggests at least this feature of the claimed invention. The structure of at least claim 1 of the present application is different from the structure disclosed in Shiraki in that the present claims relate to an in-plane switching mode liquid crystal display device. Nothing in Shiraki teaches or suggests an in-plane switching device. Accordingly, Applicant respectfully submits that claim 1 and claims 2-20, which depend from claim 1, are allowable over the cited references.

The rejection of claim 11 is respectfully traversed and reconsideration is requested. Claim 11 is allowable over the cited references in that the claim recites a combination of elements including, for example, “a plurality of first and second electrodes on the substrate such that an electric field is formed between the first and second electrodes substantially parallel to the substrate when a voltage is applied to the first and second electrodes and a plurality of electrostatic discharge devices in the non-display region, wherein each electrostatic discharge device is at a distance of more than one pixel pitch from the pixels” and “wherein one pixel pitch is between about 1 mm to about 1.5 mm.” None of the cited references including the Related Art and Seraphim, singly or in combination, teaches or suggests at least this feature of the claimed invention. That is, the combination of cited references fails to teach an in-plane switching mode liquid crystal device having an electrostatic discharge device at a distance of more than one pixel pitch, regardless of actual distance of the pixel pitch.

Moreover, Seraphim, which is cited as teaching the pixel pitch specifically recited by claim 11 is directed to “a method for making [these] tiled displays for use in large area panel displays, and more particularly, to a technique for producing and assembling such small display tiles into a large area display and selectively electrically interconnecting the tiles while at the same time mechanically positioning them to meet the desired optical specifications”. (Seraphim, Col. 2, lines 20-27). The Examiner concludes in the Office Action that “in view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made

to modify the invention of the [Related Art] by having a 1 mm pixel pitch for the purpose of simplifying the fabrication process.” Office Action at pp. 8-9.

Contrary to the Examiner’s aforementioned assertions, Applicant respectfully submits that a definition of the class in which a reference is classified does not guarantee the presence of an analogous reference. To reiterate, M.P.E.P. §2141.01(a) requires that the reference relied upon as a basis for rejection of an applicant’s invention must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. See also, *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986). In *Deminski*, it was held that the claimed invention and references are within the same field of endeavor if they have essentially the same structure and function.

However, the particular problems solved by the present invention include electrostatic discharge. The problem solved by Seraphim is the manufacture of a large panel display, without any regard to the aforementioned problem. Moreover, the structure recited by the claims of the present application is different from the Seraphim structure in that the claims of the present application relate to an in-plane switching mode liquid crystal display device, while Seraphim does not teach or suggest in-plane switching mode liquid crystal display or control of electrostatic discharge. Therefore, Applicant respectfully submits one of ordinary skill in the art looking to reduce or prevent electrostatic discharge in an in-plane switching mode liquid crystal display device would not turn to the teachings of Seraphim in the hopes of finding a solution.

As mentioned above, the Examiner provides as the motivation for combining the Related Art with Seraphim, “it would have been obvious to the ordinary artisan at the time the invention was made to modify the invention of the [Related Art] by having a 1 mm pixel pitch for the purpose of simplifying the fabrication process.” Office Action at pp. 8-9. Applicant respectfully submits, however, that such motivation is not relevant to the present application in that the purpose of the present application is to reduce electrostatic discharge, and any simplification of the manufacturing process is incidental, not an objective of the present invention. There is no teaching or suggestion in Seraphim relating to electrostatic discharge. Accordingly, the combination of elements from non-analogous art is insufficient to present a *prima facie* case of obviousness because there is no demonstrated motivation that would lead one of skill in the art to combine the Related Art and Seraphim. Accordingly, Applicant respectfully

submits that claim 11 is allowable over the cited references.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

By 

Rebecca Goldman Rudich

Registration No.: 41,786

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant

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